

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion is respectfully requested.

Claims 1-4 and 7-18 are pending in the application. Claims 5-6 are canceled by the present amendment. No new matter is added.

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering amendments, canceling claims, complying with any requirement or form expressly set forth in a previous Official Action or presenting rejected claims in better form for consideration on appeal. The present amendment cancels Claims 5-6 and, therefore, no new matter is presented and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In the outstanding Official Action, Claims 1-18 were rejected under 35 U.S.C. § 102(b) as anticipated by Schwelb et al. (U.S. Patent No. 5,278,866, hereinafter "Schwelb").

Applicants respectfully submit that independent Claims 1, 7, 11, 14, 17 and 18 state novel features clearly not taught or rendered obvious by the applied references.

Claim 1 relates to a mobile communication system for detecting a change in the environment and/or capability of a mobile device, and responding to this detection by altering network resources or a format type of data transmitted to the mobile device. The communication system detects at least one of a change in an environment in which an object to be inspected exists and a change in capability of said object to be inspected. Then, one or more apparatuses relating to the detected change are notified, and at least one of a network resource and a media type are set in conformity to the change detected by the detecting means.

In a non-limiting, exemplary embodiment, contents transmitted to a mobile device are converted from text media to audio media before being transmitted to the mobile device when the mobile device is detected to be in a dark environment.¹ In another exemplary embodiment, audio media is converted into text, or other visual media, before being transmitted to the mobile device when the mobile device is detected to be in a noisy environment.

Turning to the applied reference, Schwelb describes a cellular telephone network that supports the delivery of audible information to visually impaired subscribers. Specifically, Schwelb describes that text messages are converted to an audible format by a network connected audio device, and the converted audio messages are sent via conventional voice/call connection to the receiving mobile station.²

However, Schwelb fails to teach or suggest that a change in environment or capability of a device is detected, and that network resources or a media type are set based on this detection, as recited in the claims.

Specifically, independent Claim 1 recites, *inter alia*, a mobile communication system, comprising:

...detecting at least one of a *change in an environment* in which an object to be inspected exists and a *change in a capability* of said object to be inspected...

newly setting at least one of a network resource and a media type in conformity to said change detected...

Independent Claims 7, 11, 14 and 17-18 recite substantially similar features. Thus, the arguments presented below also apply to these pending independent claims.

The Official Action cites col. 6, lines 48-65 of Schwelb in addressing the above-noted detecting operation recited in independent Claim 1. Applicants respectfully traverse this assertion.

¹ Id., p. 29, lines 22-26.

² Schwelb, abstract.

The cited portion of Schwelb describes that when a mobile subscriber enters a new sub-area (34), a registration signal (104) is sent via an air interface (14) through a base station (12) to the currently serving mobile switching center (18).³ A subscriber record for the registering subscriber is then obtained, which indicates whether the subscriber is a non-seeing subscriber, or whether the subscriber has activated the feature of supporting audible delivery of text information.⁴ Thus, the mobile device performs automatic registration upon moving into a new sub-area, then, upon registration, the mobile switching center examines the user's subscriber record to determine if the non-seeing subscriber feature is enabled.

However, Schwelb fails to teach or suggest that a *change in an environment* or *change in a capability* of the inspected object is detected. As discussed above, in an exemplary non-limiting embodiment at p. 17 line 23-p. 18, line 2, of the specification, environmental information may indicate that the device is inside a train or bus, inside a theatre, inside a hospital, etc., as reported to the device by via a local wireless connection. Further, the device itself may be capable of detecting environmental information such as brightness, noise level, temperature, etc. Also, as described in a non-limiting exemplary embodiment at p. 23 of the specification, a change in capability may correspond to a change in transmission quality (e.g., measurement of SIR, the bit error rate of a pilot signal, transmission delay, etc.) of the device.

Alternatively, as discussed above, Schwelb describes that a device registers with a mobile switching center upon entering a new sub-area, and that the mobile switching center determines whether the subscriber is a non-seeing subscriber based on the subscriber's record. However, entering a new sub-area can not reasonably be considered analogous to detecting a change in environment, because the action of simply registering in a new sub-area does not result in an indication or detection that the environment in which the inspected

³ Id., col. 5, line 32-col. 6, line 65 and Fig 4.

⁴ Id.

object exists has changed. For example, a subscriber may be forced to register with a new sub-area by simply walking down the street and out of the zone of the first sub-area and into the zone of a second sub-area, and both zones may be in the same environment.

Further, Schwelb describes that the user may manually activate and deactivate the non-seeing subscriber feature, but this modification is simply reflected by a change in the subscriber settings and does not correspond a change in capability of the subscriber device. In fact, the capability of the subscriber device may remain the same, but since the user is in a classroom, for example, they may wish to turn off the audible notification to not disturb the other students in the classroom.

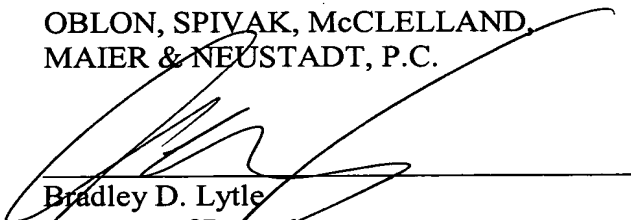
Thus, at no point does Schwelb teach or suggest detecting at least one of a *change in an environment* in which an object to be inspected exists and a *change in a capability* of said object to be inspected, as recited in Claim 1. Further, Schwelb fails to teach or suggest newly setting at least one of a network resource and a media type in conformity to said change detected, which is also a feature recited in independent Claim 1.

As Claims 2-4, 7-10, 12-13, and 15-16 depend from amended independent Claims 1, 7, 11, 14, and 17-18 respectively, Applicants submit that these claims also patentably define over Nonami.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-4 and 7-18 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
ATH:smi

Andrew T. Harry
Registration No. 56,959